

Sep 23, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRENT EVERETT RUSS,

Defendant.

NO: 2:15-cr-00139-RMP

ORDER DENYING MOTION TO
MODIFY CONDITIONS OF
RELEASE

Before the Court is Defendant Brent Everett Russ's *Pro Se* Motion to

Modify Conditions of Release, ECF No. 119. He argues that the Government does not strictly enforce the conditions of his supervised release, making the conditions unnecessary.

A district court has discretion to modify supervised release conditions pursuant to 18 U.S.C. § 3583. This discretion is to account for new or unforeseen circumstances that may warrant relief. *United States v. Miller*, 205 F.3d 1098, 1100–01 (9th Cir. 2000). Defendant relies on the fact that he has been violating

1 conditions of his supervised release but has not been punished for those violations.
2 Defendant misunderstands the concept of supervised release. Supervised release
3 allows the supervising probation officer to use his discretion to determine whether
4 supervisee is moving in an appropriate direction, whether the supervisee is in need
5 of special assistance, or whether the supervisee is creating a danger to the
6 community. The probation officer is not required to file a petition to revoke
7 supervised release for every infraction of a rule. Therefore, Mr. Russ's
8 announcement that he has been violating rules without punishment is immaterial to
9 whether his supervised release should be modified. Defendant has not shown any
10 new or unforeseen circumstances that warrant the modification of his supervised
11 release conditions. In addition, his supervised release is scheduled to terminate on
12 its own conditions in less than a month, unless Mr. Russ commits a violation that
13 prompts his supervising probation officer to file a petition to revoke his supervised
14 release, which may result in an extension of the term of supervised release.

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Accordingly, **IT IS HEREBY ORDERED** that Defendant Brent Everett Russ's *Pro Se* Motion to Modify Conditions of Release, **ECF No. 119**, is **DENIED**.

The District Court Clerk is directed to enter this Order and provide copies to counsel, Defendant, and to the U.S. Probation Office.

DATED this 23rd day of September 2019.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Court Judge